MR. PRESIDENT: Another motion is by Mr. Abdul Razaak:—

"I beg leave to move that the business of the House be adjourned for the purpose of discussing a definite matter of urgent public importance *viz.*, the grave crisis that has arisen out of the dereliction of public duty and abuse of office on the part of one Mr. M. G. Koshy, Government Pleader at Quilon, in his clannish, wilful and deliberate attempt to screen off one O. M. Cherian, involved in the India-wide sensational and murderous attack attempted on the person and reputation of Dr. (Miss) Sharma at Kulathupuzha, when the latter Cherian was sought to be enlarged on bail before the District Judge, Quilon, which the said Mr. Koshy was in duty bound to oppose as Government Pleader and Counsel for prosecution."

This matter pertains to the action of one of the counsels in the course of a judicial enquiry, which is still proceeding. It cannot be made the subject matter of a discussion here.

This motion is ruled out of order.

MR. ABDUL RAZAAK: May I know, Sir, whether the ruling is made in consultation with the Hon'ble Minister concerned?

MR. PRESIDENT: I don't think it is necessary to consult the Minister on this point. But I may, for your enlightenment, say that I consulted the Constitutional Adviser.

MR. K. SIVARAMA PILLAI: On a point of order. Has this House any Constitutional Adviser?

MR. PRESIDENT: No. I mean the Legal Remembrancer. I thank you for the correction.

The next adjournment motion is by Mr. Ponnara G. Sridhar:—

"I beg leave to move for the adjournment of the business of the House for the purpose of discussing a definite matter of public importance, namely, the action of Government in increasing the fare for travel in the State Transport service."

There is a similar motion by Mr. A. Nesamony:—

"Sir, this is to give you notice that I intend to move that the business of the House be adjourned for the purpose of discussing a definite matter of public importance, namely, the country-wide resentment on the increase of fares in the State Transport buses from 1-7-1124."

There is another motion from Mr. N. D. Jose:—

"I move that the business of the House be adjourned to discuss a matter of urgent public importance, namely, the increase of passenger fares in the Transport Buses run by the Government."

LIBRARY ARCHIVES Kerala Legislative Assembly

MR. PRESIDENT : I would like to hear the Hon'ble Minister on the facts.

MR. A. NESAMONY: On a point of order. Is the Hon'ble Minister concerned competent to make a statement before the Chair gives a ruling regarding the admissibility of this motion ?

MR. PRESIDENT: You seem to have misunderstood me. I want to hear the Minister on the facts on which the motion is based.

HON'BLE MR. K. R. ELENKATH : ബഹുമാനപ്പെട്ട പ്രസിഡന്റ് ആവശ്യപ്പെട്ടതനുസരിച്ച് ഇന്നത്തെ നയം സ്വീകരിക്കാൻ ഗവണ്മെന്റി നേപ്രേരിപ്പിച്ച കാര്യങ്ങളം ഇവിടെ പ്രസ്താവിക്കാമെന്ന വിചാരിക്കുന്നു.

MR. K. P. NILAKANTA PILLAI: If it is under Rule 20—to me it is not a hypothetical case—I want to know how the Hon'ble Minister is competent to offer any explanation regarding the adjournment motion, for which all practical purposes is *sub-judice*.

MR. PRESIDENT: I have already said that I wanted to make certain facts cleared by the Hon'ble Minister.

MR. P. S. NATARAJA PILLAI: I would like to point out to the Chair, Rule 20 of the Assembly Rules :—

> "If the President is of opinion that the matter proposed to be discussed is in order, he shall read the statement to the Assembly, and ask whether the member has the leave of the Assembly to move the adjournment motion. If objection is taken, the President shall request those members who are in favour of leave being granted to rise in their places, and if not less than twenty-five members rise accordingly, the President shall intimate that leave is granted and that the motion will be taken at 4 P. M. or if the President after consultation the Leader of the House so directs, at any earlier hour at which the business of the day may terminate. If less than twenty-five members rise, the President shall inform the member that he has not the leave of the Assembly."

This is the rule that confines the Chair and this House for discussing the adjournment motion.

MR. PRESIDENT: I rule that when an adjournment motion is before the House, the President has the right to get certain facts elucidated and can in that connection call upon the Minister concerned to speak.

MR. A. NESAMONY: May I know whether the Chair has obtained the legal opinion of the Legal Remembrancer to Government on this matter ?

MR. PRESIDENT: That is an unnecessary question.

MR. ABDUL RAZAAK: May I know whether the right referred to is the inherent right of the Chair ?

LIBRARY ARCHIVES Kerala Legislative Assembly

MR. K. P. NILAKANTA PILLAI: May I know whether it is in order?

MR. PRESIDENT: I will give my ruling after I have heard the Hon'ble Mr. K. R. Elenkath. I close the discussion on this point and I call upon the Hon'ble Minister to speak.

HON'BLE MR. K. R. ELENKATH: ഗവണ്മെൻറു ഈ നയം സ്വീകരിക്കുന്നതിനിടയാക്കിയ പരിതസ്ഥിതികൾ എന്തെല്ലാമെന്നു സഭയുടെ അറിവിനായി ഇവിടെ പറയുന്നതു് പ്രയോജനപ്രദമായിരിക്കുമെന്നു കരുതുന്നതുകൊണ്ടാണു് ഞാൻ ചിലതു് പറയണമെന്നു വിചാരിക്കുന്നതു്. അതായതു്—

MR. P. BALAKRISHNAN TAMPI: On a point of order, Sir. The Hon'ble Minister is not to be asked on the merits of the motion.

MR. PRESIDENT: I would request the House not to disturb the Hon'ble Minister in giving out the information required by me.

MR. ABDUL RAZAAK: Is there any decision on the motion now?

MR. PRESIDENT: I will make myself clear. I have already stated that I want information on certain points. I want to ascertain from the Hon'ble Minister whether the fare has been enhanced. In the circumstances I want the House to bear with the Transport Minister for a moment. Without ascertaining those facts from the Minister, it is not possible to proceed with the matter.

MR. ABDUL RAZAAK: My submission is that an explanation from the Minister concerned is not wanted at this juncture.

MR. PRESIDENT: But I want certain facts from the Hon'ble Minister and so I have called on the Hon'ble Minister to state them. Mr. Elenkath will now proceed.

HON'BLE MR. K. R. ELENKATH: This then is my answer, Sir.

MR. ABDUL RAZAAK: What is the point in the Transport Minister explaining when not needed?

PRESIDENT: No discussion on the decision of the Chair is allowed.

MR. A. THANU PILLAI: On a point of order, Sir. What is the relevancy for the Transport Minister to explain at this stage?

MR. PRESIDENT: When I have asked the Minister to elucidate certain points for my information, the House must allow him to proceed. I am not posted with all facts concerning this motion and it is the duty of the Chair to get posted with all relevant facts before a decision is arrived at.

MR. A. THANU PILLAI: Anyway a statement is not permitted to be made. No doubt what the fare is can be ascertained. But from the manner in which he is giving information, the whole procedure is irrelevant. He has no right to make a statement at this stage.

LIBRARY ARCHIVES Kerala Legislative Assembly

HON'BLE MR. K. R. ELENKATH: Has not the President the right to call upon a member to make a point clear?

MR. PRESIDENT: I have already made clear that I want only a piece of information from the Minister.

MR. K. M. CHANDY: നിയമവിരുദ്ധമായി കപ്സ്റ്റ്രാൻസ് ചോദിക്കുന്നതിനു പ്രതിവിധി ഇല്ലേ?

MR. PRESIDENT: No doubt there are measures to be adopted but I do not propose to do so unless I am driven to such a course. No more questions are allowed on this matter.

MR. A. THANU PILLAI: Is it in reference to what I have stated or with reference to a particular member?

MR. PRESIDENT: No. It is not in reference to any particular member. Mr. Elenkath will proceed.

MR. K. SIVARAMA PILLAI: I want to ask a question.

HON'BLE MR. K. R. ELENKATH: റോഡു കുട്ടിയിട്ടുള്ളതു് പരമാത്മാവാണോ എന്നു മാത്രം അറിഞ്ഞാൽ മതിയെങ്കിൽ പരമാത്മാവാണു എന്നാണു് മറുപടി. ഞാൻ ഈ സഭയിലെ പ്രസിഡൻറു പറയുന്നതു കേൾക്കുകയല്ലാതെ മറു് ഒന്നും എന്തു പറഞ്ഞാലും മറുപടി പറയാൻ പോകുന്നില്ല.

MR. K. SIVARAMA PILLAI: Sir, on a point of order. Is it open to the Minister to say that he is not going to answer the questions put to him by the members?

MR. PRESIDENT: Too many unnecessary questions have been raised that the Hon'ble Minister has now decided not to yield.

MR. K. P. NILAKANTA PILLAI: May I now ask whether there is anything in this motion to be asked direct to the Hon'ble Minister for elucidation?

MR. PRESIDENT: That is the ruling of the Chair.

HON'BLE MR. K. R. ELENKATH: ഈ റോഡു് കുട്ടുന്നതിനു് ഗവണ്മെൻറിനെ പ്രേരിപ്പിച്ച സംഗതികൾ എന്തെല്ലാമാണെന്നും മറും ഇപ്പോൾ പറയേണ്ട ആവശ്യമില്ലെങ്കിൽ പറയുന്നില്ല. ഏതായാലും സാധാരണബസ്സുകൾക്കു് മൈലിനു് ഫ 0 കാശിൽ നിന്നു ഫ ര് കാശായും, എക്സ്പ്രസ്സു് ബസ്സുകൾക്കു മൈലിനു് ഒരു ചക്രമായിരുന്നതു് ഒന്നേകാൽ ചക്രമായിട്ടും ഈ മാസം മുതൽ വർദ്ധിപ്പിച്ചിട്ടുണ്ടു്.

MR. PRESIDENT: These motions are in order. Mr. Ponnara G. Sridhar, his motion being the first in order, will move the motion on Tuesday the 4th Kumbhom at 4 P. M. and Messrs Nesamony and N. D. Jose will support.

LIBRARY ARCHIVES Kerala Legislative Assembly